



DONALD L. WOLFE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: **EP-1**

June 15, 2006

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**HEARING ON PROPOSED REVISIONS TO
STORMWATER AND RUNOFF POLLUTION CONTROL PROGRAM
ALL SUPERVISORIAL DISTRICTS
4 VOTES**

IT IS RECOMMENDED THAT YOUR BOARD AFTER THE PUBLIC HEARING:

Introduce, waive reading, and place on the agenda for adoption, the enclosed Ordinance, previously approved as to form by County Counsel, amending Title 12 of the Los Angeles County Code to establish a regulatory program and fees for various services under the County Stormwater and Runoff Pollution Control Program.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Pursuant to the Federal Clean Water Act and the Porter-Cologne Water Quality Control Act, the County was issued National Pollutant Discharge Elimination System Permit No. CAS004001 for Municipal Stormwater and Urban Runoff Discharges within the County of Los Angeles (Permit). Under the Permit, the County is required to establish a program to reduce stormwater pollutants and implement pollution control measures at certain industrial and commercial facilities. The County is required to track, inspect, and ensure compliance at industrial and commercial facilities within the unincorporated areas that are critical sources of pollutants in stormwater runoff. Implementation of the Permit's mandates will require additional resources. The proposed Ordinance revises

the County Stormwater and Runoff Pollution Control Ordinance to establish a regulatory program and fees to accomplish the mandates of the Permit.

Public Works has conducted an outreach program and public information meetings to gather public input on the proposed regulatory program and fees. Concern was expressed that businesses that are subject to State-issued General Industrial Activity Stormwater Permits may be subject to duplicate regulation and fees under the proposed Program. The proposed Ordinance exempts holders of the State permit from new County certificate fee requirements. Public Works was also requested to consider utilization of an existing program offered to cities by the Department of Health Services for the inspection of restaurant facilities. The Health Officer has agreed to perform this service at a cost savings to Public Works, which is reflected in the fees proposed in the Ordinance. Based on the comments received, Public Works finds the proposed fee schedule represents an equitable distribution of program costs to the service users.

Approval of the proposed Ordinance is necessary for the County to carry out and pay the costs of implementation of the Permit mandates. The Auditor-Controller has reviewed Public Works' fee calculations for Fiscal Year 2006-07 and has determined that the rates appear reasonable to recover the estimated costs of the program.

Implementation of Strategic Plan Goals

This action is consistent with the County Strategic Plan Goal of Fiscal Responsibility as the proposed fees will generate sufficient funds to implement the program. It also satisfies the goals of Children and Families' Well-being and Service Excellence since protecting our streets, storm drains, rivers, streams, surface waters, and oceans from the discharge of pollutants improves public health and the quality of life in the County and provides services which are beneficial and responsive.

FISCAL IMPACT/FINANCING

There will be no impact on net County cost. We anticipate that the proposed certificate system and fees will affect approximately 3,800 businesses subject to the program and generate estimated one-time revenues of \$151,000 and additional annual revenues of \$490,000 for County Engineer General Fund that will allow implementation of the Permit mandates in the unincorporated areas of the County of Los Angeles beginning Fiscal Year 2006-07. The projected amount of \$641,000 will be included in the County Engineer General Fund Fiscal Year 2006-07 Budget.

Approximately \$96,000 of the anticipated annual revenues will be used to offset additional expenses of the Health Officer in performing agreed-to inspections at restaurant facilities subject to the Program.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The program aids in the protection of County streets, storm drains, rivers, streams, surface waters, and oceans from the discharge of pollutants in stormwater runoff from industrial and commercial facilities. Failure to implement the program may increase the risk of pollutant discharges to waters of the County and may subject the County to fines and third-party lawsuits for failure to prevent such discharges.

Pursuant to Government Code Section 66018(a), the Board of Supervisors must hold a public hearing prior to adopting the proposed fees and notice of public hearing shall be published in accordance with Government Code Section 6062a.

The Notice of Public Hearing is enclosed (Enclosure B).

The Auditor-Controller has reviewed and approved the calculations used to determine the costs associated with the proposed fees.

County Counsel has reviewed and approved the proposed Ordinance and Notice of Hearing as to form.

ENVIRONMENTAL DOCUMENTATION

Adoption of the enclosed Ordinance does not constitute a project subject to the requirements of the California Environmental Quality Act (CEQA) in that it can be seen with certainty that the action will not result in a direct or reasonable foreseeable indirect physical change in the environment.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

No Federal or State funding is provided to implement the mandated program. Proponents of industrial and commercial projects may be faced with delays in the approval of their projects if sufficient funding is not available to provide the resources necessary to process their applications. Timely review is critical to most new construction projects. The proposed program and fees were presented to the public during information meetings held on April 23, 2003, and June 29, 2005. Public input

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from those meetings has been incorporated into the proposed Ordinance and no further objections have been received.

CONCLUSION

It is requested that two copies of the adopted Ordinance and two approved copies of this letter be returned to Public Works.

Respectfully submitted,

DONALD L. WOLFE
Director of Public Works

CWS:cw
P:\sec\SWOrd

Enc.

cc: Chief Administrative Office
County Counsel

INSTRUCTION SHEET FOR PUBLISHING LEGAL ADVERTISEMENTS

TO: Executive Officer
Board of Supervisors
County of Los Angeles

FROM: Department of Public Works
Environmental Programs Division

NOTICE OF HEARING STORMWATER AND RUNOFF POLLUTION CONTROL PROGRAM FEES

Publishing

Pursuant to Section 66018 of the California Government Code, prior to adopting an ordinance adopting a new fee, a local agency shall hold a public hearing. In accordance with Section 6062a of the California Government Code, the Executive Officer shall publish notice of the hearing. Publication of the notice shall be for ten days in a newspaper regularly published once a week or more often. Two publications, with at least five days intervening between the dates of the first and last publication, not counting such publication date are sufficient. The period of notice commences upon the first day of publication and terminates at the end of the tenth day, including therein the first day.

Forward five reprints of the attached advertisement to the County of Los Angeles Department of Public Works, Environmental Programs Division, P.O. Box 1460, Alhambra, California 91802-1460.

Should there be any questions regarding this matter, please contact Mr. Fred M. Rubin, of this office, at (626) 458-3500, Monday through Thursday, 7 a.m. to 5:30 p.m.

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Attach.

**NOTICE OF HEARING
STORMWATER AND RUNOFF POLLUTION CONTROL PROGRAM FEES**

Notice is hereby given that a public hearing will be held by the Board of Supervisors regarding proposed changes to the Los Angeles County Code to establish a regulatory program of stormwater pollutant reduction and control measures at industrial and commercial facilities. The program includes registration of certain industrial and commercial facilities, issuance of inspection certificates to registered facilities, and fees to cover the program costs.

Said hearing will be held on Tuesday, _____, 2006, at 9:30 a.m., in the hearing room of the Board of Supervisors, Room 381B, Kenneth Hahn Hall of Administration, 500 West Temple Street (corner of Temple Street and Grand Avenue), Los Angeles, California 90012.

The Board of Supervisors will consider and may adopt the fee schedule. Further, notice is given that the Board of Supervisors may continue this hearing from time to time.

Written comments may be sent to the Executive Office of the Board of Supervisors at the above address. If you do not understand this notice or need more information, please call the County of Los Angeles Department of Public Works, Environmental Programs Division, at (626) 458-3517, Monday through Thursday, 7 a.m. to 5:30 p.m.

Upon 72 hours notice, the County can provide program information and publications in alternate formats or make other accommodations for people with disabilities. In addition, documents are available at the Kenneth Hahn Hall of Administration in Los Angeles (500 West Temple Street), which is accessible to individuals with disabilities. To request accommodations ONLY, or for more ADA information, please contact our ADA Coordinator at (626) 458-4081 or TDD (626) 282-7829, Monday through Thursday, 7 a.m. to 5:30 p.m.

Si no entiende este aviso o si necesita mas informacion, por favor llame al Departamento de Obras Publicas al (626) 458-3511, de lunes a jueves, 7 a.m. a 5:30 p.m.

Sachi A. Hamai
Executive Officer-Clerk
of the Board of Supervisors

Enclosure B
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